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PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1743**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Stephen Peter FITZGERALD et al.

Group Art Unit: 1743

Application No.: 09/389,082

Examiner: L. Cross

Filed: September 2, 1999

Docket No.: 104161

For: IMPROVEMENTS RELATING TO ASSAY DEVICES

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the June 16, 2004 Office Action, and further to the August 18, 2004 telephonic interview with Examiner Cross, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-3, 6-13 and 15-21 are pending.

The Office Action rejects claims 1-3, 6-13 and 15-21 under 35 U.S.C. §103(a) over European Patent No. 569753 to Westhall (hereinafter "Westhall") in view of U.S. Patent No. 4,828,386 to Matkovich et al. (hereinafter "Matkovich"). This rejection is respectfully traversed.

At the August 18 telephonic interview, Applicants' representative explained the differences between the applied art and the invention set forth in the pending claims. Specifically, as asserted by Applicants' representative, and agreed to by Examiner Cross